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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/28/2003

Chi Fai Ho

110 CONT3

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7590

08/05/2008

EXAMINER

UTAMA, ROBERT J

ART UNIT

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3714

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/694,706	Applicant(s) HO ET AL.	
	Examiner ROBERT J. UTAMA	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01/23/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 39-42, 44-47, 49-51, 56-57, and 59-90 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 44-47, 59-61 and 71-80 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This office action is a response to the amendment and arguments filed on 01/23/2008. The current status of the application are as follows: claim 39-42, 44-47, 49-51, 56-57, and 59-90 are still pending and claims. Claims 1-38, 43, 48, 52-55 and 58 are cancelled.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 01/23/2008 has been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. **Claim 81-90 rejected under 35 U.S.C. 103(a) as being unpatentable over Haga et al US 5,211,563 in view of Negishi et al 4,894,777.**

Claim 81: The Haga et al reference provides a teaching of a computer implemented method to assist a user to learn a subject comprising of causing a study material to be presented to a user via a computing device that includes a focus window and at least a one window that is not a focus window (see col. 4:55-65 and FIG 1 item 101, 104 and 103). However, the Haga reference fails to provide a teaching of monitoring at least two areas to determine the user attention to the study materials, wherein one area relates to the study materials in a focus window and another area relates to the user's input to the computing device. However the Negishi reference provides a teaching of monitoring at least two areas to determine the user attention to the study materials, wherein one area relates to the study materials in a focus window and another area relates to the user's input to the computing device (see col. 4:15-40). Therefore, one of ordinary skill in the art at the time of the invention would have found including the feature of monitoring at least two areas to determine the user attention to the study materials, wherein one area relates to the study materials in a focus window and another area relates to the user's input to the computing device, as taught by Negishi, in order to increase the attentiveness of the user (see col. 2:45-55).

Claim 82 and 83: The Haga reference fails to provide a teaching of adjusting the study materials for presentation on the subject in view of the determination of the user's attention to the study materials (claim 82) and adjusting the study materials for presentation on the subject if the determination is indicative of the user's attention to the study material dropping below a specified level (claim 83). However, the Negishi reference provides a teaching of adjusting the study materials for presentation on the subject in view of the determination of the user's attention to the study materials (see

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col. 4:30-35) and adjusting the study materials for presentation on the subject if the determination is indicative of the user's attention to the study material dropping below a specified level (see col. 4:25-35 "degree of fatigue"). Therefore one of ordinary skilled in the art would have found it to be obvious to include the feature of adjusting the study materials for presentation on the subject in view of the determination of the user's attention to the study materials, as taught by Negishi, in order to increase the attentiveness of the user (see col. 2:45-55).

Claim 84: The Haga reference fails to provide a teaching of monitoring for a duration of time to determine the user's attention to the study materials presented over time. However, the Negishi reference provides a teaching of monitoring for a duration of time to determine the user's attention to the study materials presented over time (see col. 4:43-57). Therefore it would have been obvious to one of ordinary skilled in the art to include the feature of monitoring for a duration of time to determine the user's attention to the study materials presented over time, as taught by Negishi, in order to increase the attentiveness of the user (see col. 2:45-55).

Claim 86: The Haga reference fails to provide a teaching where the user's input is monitored to determine user's attention to the study material and the user's input being monitored via a position pointing device. However, the Negishi reference provide a teaching where the user's input is monitored to determine user's attention to the study material and the user's input being monitored via a position pointing device (see col. 4:50-55 "keyboard"). Therefore, it would have been obvious to one of ordinary skilled in the art at the time of the invention to include the feature of where the user's input is monitored to determine user's attention to the study material and the user's input being monitored via a position pointing device, as taught by Negishi, in order to increase the attentiveness of the user (see col. 2:45-55).

Claim 87 and 90: The Haga reference fails to provide a teaching of where the user's input is monitored to determine the user's attention to the study material and the

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user's input being monitored is in being monitored in response to the study materials presented. However, the Negishi reference provides a teaching of where the user's input is monitored to determine the user's attention to the study material and the user's input being monitored is in being monitored in response to the study materials presented (see col. 4:20-30). Therefore it would have been obvious one of ordinary skilled in the art to include the feature of where the user's input is monitored to determine the user's attention to the study material and the user's input being monitored is in being monitored in response to the study materials presented, as taught by Negishi, in order to increase the attentiveness of the user (see col. 2:45-55).

Claim 88: The Haga reference fails provide a teaching of comprising providing an indication of the level of user's attention to the study material. However, the Negishi reference provides a teaching of indication of the level of user's attention to the study material (see col. 4:15-25 "fatigue"). Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature of providing indication of the level of user's attention to the study material, as taught by Negishi, in order to increase the attentiveness of the user (see col. 2:45-55).

Claim 89: The Haga reference fails to provide a teaching of monitoring for a duration of time to determine the user's attention to the study materials presented over time and adjusting the study material for presentation on the subject if the determination is indicative of the user's attention to the study material dropping below a specified level. However, the Negishi reference provides a teaching of monitoring for a duration of time to determine the user's attention to the study materials presented over time (see col. 4:43-57) and adjusting the study material for presentation on the subject if the determination is indicative of the user's attention to the study material dropping below a specified level (see). Therefore it would have been obvious to one of ordinary skilled in the art to include the feature of monitoring for a duration of time to determine the

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user's attention to the study materials presented over time, as taught by Negishi, in order to increase the attentiveness of the user (see col. 2:45-55).

6. **Claim 85 rejected under 35 U.S.C. 103(a) as being unpatentable over Haga et al US 5,211,563 in view of Negishi et al 4,894,777 and further in view Perelli**

Claim 85: The combination of Haga and Negishi fail to provide a teaching wherein the speed of user's input into the computing device is monitored to determine the user's attention to the study material. However, the Perelli reference provide a teaching wherein the speed of user's input into the computing device is monitored to determine the user's attention to the study material (see col. 6:60-75). Therefore, it would have obvious to one of ordinary skilled in the art at the time invention to include the feature of Perelli reference provide a teaching wherein the speed of user's input into the computing device is monitored to determine the user's attention to the study materials, at taught by Perelli, in order to improve student's efficiency in absorbing new study material (see col. 5:45-60).

Conclusion

7. Claims 44-47, 59-61 and 71-80 are allowed. The following is a statement of reasons for the indication of allowable subject matter: Prior art fails to provide teaching for the limitation of upon failure of receiving an input to the first window of the computer within a specified time period when there are one or more inputs by the user to the second window during the time period adjusting the study material for the presentation on the subject to attempt to improve the user concentration in learning.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT J. UTAMA whose telephone number is (571)272-1676. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571)272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. J. U./
Examiner, Art Unit 3714
/XUAN M. THAI/
Supervisory Patent Examiner, Art Unit 3714